

>> in on a perpetrator, saving countless man hours and providing for swift and solid justice. Secondly, it seeks to prevent repeat offenders from continuing that series of escalating crime, Siegel and Narveson said.

If officers are able to collect DNA from a criminal early in his or her career while they are still cutting their teeth on burglaries and get their DNA in the database sooner, when they do commit a more serious crime, the next time officers will have that DNA on file. And, ideally, that offender would spend time in prison, preventing further victimization.

FUNDING THE FIGHT

While the initial price of \$9.7 million or even \$1.6 million for felony arrestees may seem overwhelming, international DNA expert Chris Asplen suggested several ways in which Kentucky could offset the cost. The first of those ideas is based on a solution California implemented after more than 60 percent of voters cast ballots in favor of collecting arrestee DNA — to make the offender foot the bill.

In Kentucky's case, if that \$9.7 million were divided among the 360,000 offenders, each arrestee would pay less than \$27 in additional court costs.

"The way that has worked in California is really interesting," Asplen said. "They are paying for it by having the bad guys pay for it, which is the right thing to do. But, what they did was, they allocated 10 or 15 percent of the fee that was charged to the local jurisdictions as kind of a collection fee to cover the cost of the manpower hours to do the collecting. It doesn't cost 10 percent of the fee to do that. What has

just happened is California realized that a lot of these local jurisdictions have a fair amount of money sitting around in this pot and they can't do anything with it.

"So, California passed a new law that allows the individual jurisdictions to use that money specifically to hire another person in the California Department of Justice lab, specifically to do their cases," he continued. "So, they kind of fund their own individual folks. The way that will probably work out is a number of jurisdictions will probably combine their resources to hire someone at the lab, so that person will then be responsible for maybe three or four counties. So, that is a very creative way they have begun to address the rapid turnaround issue, or lack thereof."

Another innovative solution Asplen suggested was to follow in the footsteps of Bensalem, Penn., where they are using drug forfeiture money to support DNA databasing.

"One thing I absolutely understand is that drug forfeiture moneys are already spoken for," he said. "It's not like anybody has extra money sitting around. And your guys in narcotics, they're going to kill anybody who tries to take their money. I get that. However, if you can convince your guys in narcotics that there really is an application for them in the DNA world, which there is, then you can begin to turn some of that narcotics money over to the DNA world and fund some things through forfeiture funds.

Bensalem, a township about the size of Bowling Green, Ky., has created their own, locally-based DNA database and contracted with private DNA labs to turn



The cost for new equipment needed if the DNA database were to be expanded to include all arrestees could reach toward \$1 million. However, experts say there are a number of ways to offset those costs.

around evidence in two to three weeks, Asplen said.

"In doing so, they are actually driving their investigations with DNA, unlike many other places," he said. "... Let's say you have a typical car stop situation, and you have four guys in the car and police find a baggie in the car with 40 vials of crack in it. And everybody is denying possession of it. We call that a constructive possession case. They are very, very weak cases most of the time, particularly when you have four guys who are all going to point to the other three. It's the kind of case that any prosecutor, if he takes it, is going to negotiate it because it's a loser.

"What they're doing in Bensalem is they're taking that baggie and they're swabbing it, and they're getting DNA off the fingerprints on the baggie and they're showing up at the preliminary hearing with a DNA result," Asplen continued. "And now, what was a very bad case which was probably negotiated to nothing, is a guilty plea with no negotiation because you have DNA. But, the value on top of that is because it's a narcotics case, what police get to do is they get to take the car, they get to take any money that's found in the vehicle, pursuant to drug forfeiture laws. So, they're essentially putting money back in the DNA kitty, by focusing on the narcotics cases also."

It has been well established that the typical criminal career progresses in an escalating fashion. Criminals commonly 'cut their teeth' with less serious crimes such as petty theft or drug violations.